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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,971	05/08/2001	Michael Tolson	507-000110US	4930

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EXAMINER

HU, JINSONG

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,971

Applicant(s)

TOLSON ET AL.

Examiner

Jinsong Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination. Claims 1-9, 11-13 and 15-20 are amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 4-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Douglas et al. (US 5,491,784).

3. As per claims 1, 2, 5, 11 and 14, Douglas teaches the invention as claimed including a method of providing a portable information agent comprising:

presenting a graphical representation of a portable information agent [i.e., source software object] as a part of first composition accessed by an initial application, said portable information agent comprising a software object, having state, and having one or more possible external connections [col. 8, line 32 – col. 9, line 22], said first composition providing a first execution context for said portable information agent [col. 5, lines 46-63; col. 9, lines 46-64];

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allowing relocation of said graphical object to a location outside of said initial application [col. 5, line 64 – col. 6, line 14; col. 9, line 65 – col. 10, line 21];

and thereafter moving said portable information agent to said outside location such that said portable information agent becomes part of a second composition, said second composition providing a second execution context for said portable information agent in which said state of said portable information agent is preserved [col. 6, line 37 – col. 7, line 15; col. 8, line 32 – col. 9, line 23].

4. As per claim 4, Douglas teaches the initial application comprises an email client and the first composition is part of an email message [col. 4, lines 26-30].

5. As per claim 6, Douglas teach said relocation is repeatable from a current location to any number of additional platforms [col. 6, line 55 – col. 7, line 15].

6. As per claims 7 and 8, Douglas teaches said desktop provided by an operating system is an interface of a platform, said platform selected from the group consisting of a Window PC, a Macintosh PC, a Unix-type operating system, a set-top box, a wireless logic appliance, internet appliance, a personal digital assistant, or any other device connected to a network [col. 4, lines 6-11; col. 6, lines 37-55].

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7. As per claims 9 and 10, Douglas teaches the portable information agent includes one or more user interface components and wherein said interface components are preserved after relocation [col. 6, line 54 – col. 7, line 15].

8. As per claim 12, Douglas teaches said allowing relocation comprises allowing a user to discontinuous select said graphical object and place said object in a new location [col. 8, lines 10-19].

9. As per claim 13, Douglas teaches the step of allowing graphical representation to be moved to a new location without an action by a user [col. 7, lines 9-15].

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas et al. (US 5,491,784) as applied to claims 1-2 and 4-14 above, in view of Pitroda (US 5,590,038).

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12. As per claim 15, Douglas teaches the invention as claimed in claim 1. Douglas does not specifically teach the step of determining if sufficient infrastructure logic exists to allow said object to operate in a new location. However, Pitroda on the other hand teaches the step of determining if sufficient infrastructure logic exists to allow said object to operate in a new location [col. 6, lines 16-43; col. 7, lines 11-31]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Douglas and Pitroda because utilizing Pitroda's determining step in Douglas' system would improve the integrity of the system by confirming the implement ability of a object in the new location after the object relocating. One of ordinary skill in the art would have been motivated to modify Douglas' system by Pitroda's determining step to make the object's relocation more accurate and reliable.

13. As per claims 17 and 18, Douglas teaches said new location is selected from the group consisting of: a desktop provided by an operating system; a different application, and a different computer platform with a different operating system [col. 4, lines 6-11; col. 6, lines 37-55].

14. As per claims 19 and 20, Douglas teaches said portable information agent object and said infrastructure allow communication with a data server for tracking user interaction after said object is moved to a new location desktop [col. 8, line 63 – col. 9, line 22].

Allowable Subject Matter

15. Claims 3 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

16. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965.


The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

April 1, 2005


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100